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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,839	09/07/2004	Thomas Vollmer	DE 020088	8931

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BRIARCLIFF MANOR, NY 10510

EXAMINER

AGHERA, SAMEER R

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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09/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,839	Applicant(s) VOLLMER ET AL.	
	Examiner Sameer Aghera	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12 September 2005 and 7 September 2004.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 8, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Edson (6,526,581 B1).

Edson discloses a multi-service in-home network with an open interface comprising the following features.

Regarding **claim 1**, a coupling module (see Figure 1, item 13) for a network (see Figure 1) interlinking electronic appliances (see Figure 1, items 31, 31, 33, etc.), characterized in that it comprises at least two inputs/outputs (see Figure 1, items 115, 17, 19, 21, and 23) for connecting different transmitter and receiver modules (see Figure 1, items 311, 312, 313, etc.), wherein these transmitter and receiver modules (see Figure 1, items 311, 312, 313, etc.) can communicate with the electronic appliances (see Figure 1, items 31, 32, 33, etc.) of the network (see Figure 1), and wherein the coupling module (see Figure 1, item 13) can transmit data (see "enable communication," Abstract) between the transmitter and receiver modules (see Figure 1, items 311, 312, 313, etc.).

Regarding **claim 2**, the coupling module (see Figure 1, item 13) is set up in such a way that it can convert between different transmission protocols (see "in accord with the standard protocol utilized on that media," col. 7, lines 63-64) of the connected transmitter and receiver modules (see Figure 1, items 311, 312, 313, etc.).

Regarding **claim 3**, the coupling module (see Figure 1, item 13) is set up to determine the transmission protocol used (see "in accord with the standard protocol utilized on that media," col. 7, lines 63-64) by an electronic appliance (see Figure 1, items 31, 31, 33, etc.) of the network (see Figure 1), and to use this protocol and the appropriate (see "col. 8, lines 3-11) transmitter and receiver module (see Figure 1, items 311, 312, 313, etc.) for communication with this appliance.

Regarding **claim 4**, the coupling module (see Figure 1, item 13) is set up to determine from the incoming data the electronic appliance addressed by this data (see

“standard protocol utilized on that media,” col. 7, lines 63-64), and then to pass the data on to the addressed appliance, via the appropriate transmitter and receiver module, in the associated transmission protocol (see “appropriate hardware to a connected device,” col. 8, lines 8-11).

Regarding **claim 5**, the coupling module (see Figure 1, item 13) is formed by a programmable data-processing unit (see Figure 2, item 105) with a data/program memory connected to it (see Figure 2, item 107).

Regarding **claim 6**, the coupling module (see Figure 1, item 13) is set up to undertake the function of a firewall (see Figure 2, item 101) in the transmission path between different transmitter and receiver modules (see Figure 1, items 311, 312, 313, etc.).

Regarding **claim 8**, the transmitter and receiver modules (see Figure 1, items 311, 312, 313, etc.) enable communication in accordance with (see Figure 1), for example, the standards Docsis, Eurodocsis, CableTV, GSM, UMTS, GPRS, ISDN, XDSL, Power Line Communications (PLC), IEEE 802.11, ETSI Bran, Hiperlan 1/2, DECT, HomeRF, Bluetooth, USB, IEEE 1394, IrDa, and/or Ethernet.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edson (6,526,581 B1) in view of Sparrell (US 2004/0268407 A1).

Edson discloses all elements as shown in paragraph 4 above. Edson does not disclose the following features: regarding **claim 7**, the coupling module is set up to undertake the function of a proxy server in the transmission path between different transmitter and receiver modules; regarding **claim 9**, the coupling module is set up to pass incoming data on after signal amplification in the same transmission protocol; regarding **claim 10**, the coupling module is set up to take on standby functions of connected electronic appliances.

Sparrell discloses a centralized resource manager comprising the following features.

Regarding **claim 7**, the coupling module (see Figure 1, item 22) is set up to undertake the function of a proxy server (see “provides proxy reservations,” page 2, paragraph 25) in the transmission path between different transmitter and receiver modules (see Figure 1).

Regarding **claim 9**, the coupling module (see Figure 1, item 22) is set up to pass incoming data on after signal amplification in the same transmission protocol (see Figure 10).

Regarding **claim 10**, the coupling module (see Figure 1, item 22) is set up to take on standby functions (see “standby mode,” page 5, paragraph 77) of connected electronic appliances (see “client device,” page 5, paragraph 77).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Edson with the features, as taught by Sparrell, in order to centrally managed distributed network resources (see Sparrell, page 2, paragraph 24).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameer Aghera whose telephone number is 571-272-9744. The examiner can normally be reached on M-F 7:30 AM to 5 PM; Off every other Friday.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on 571-272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA

Sameer Aghera

KWANG BIN YAO
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Kwang Bin Yao', is written over the printed name and title.